

1 THE HONORABLE RICARDO S. MARTINEZ
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JAMES GINZKEY, RICHARD
11 FITZGERALD, CHARLES CERF, BARRY
12 DONNER, and on behalf of the class members
13 described below,

14 Plaintiffs,

15 v.

16 NATIONAL SECURITIES CORPORATION,
17 a Washington Corporation,

Defendant.

Case No.: 2:18-cv-01773-RSM

**STIPULATED MOTION TO REVISE
SCHEDULING ORDER REGARDING
CLASS CERTIFICATION**

NOTE ON MOTION CALENDAR:
JULY 20, 2020
WITHOUT ORAL ARGUMENT

18 Plaintiffs James Ginzkey, Richard Fitzgerald, Charles Cerf, and Barry Donner
19 (collectively, “Plaintiffs”) and Defendant National Securities Corporation (“Defendant”)
20 (collectively, the “Parties”), by and through their undersigned attorneys, hereby submit this
21 Stipulated Motion to Revise the Scheduling Order Regarding Class Certification in this case.

22 **IT IS HEREBY STIPULATED:**

23 WHEREAS, Plaintiffs filed the Complaint in this action on December 10, 2018
24 (ECF No. 1);

25 WHEREAS, the Court issued an Order on May 13, 2020 on the Parties’ prior Stipulated
26 Motion to Revise the Scheduling Order (ECF No. 46). The Court set a deadline for the Parties to

1 complete discovery on class certification by August 3, 2020. The Court set a deadline for Plaintiffs
2 to file a motion for class certification by September 4, 2020;

3 WHEREAS, the world is currently experiencing a global pandemic as a result of the
4 outbreak of Coronavirus Disease (“Coronavirus”) and all litigation and legal proceedings have
5 been delayed as a result;

6 WHEREAS, this Court’s General Order Nos. 02-20, 03-20, and 08-20 have continued all
7 civil hearings pending further order of the Court;

8 WHEREAS, the Parties are conducting discovery on class certification through written
9 discovery requests, document productions, and depositions. In order to respond to discovery
10 requests, Defendants have been reviewing over 140,000 pages of documents and anticipate the
11 need to collect additional documents. The Parties also need to take an additional three depositions
12 prior to briefing class certification issues. The Parties’ scheduled depositions were postponed due
13 to the Coronavirus. Given the continuing pandemic, the Parties now intend to take these
14 depositions remotely but had been waiting to see if in-person depositions would have been
15 possible;

16 WHEREAS, given the delays caused by the Coronavirus, the complexity of the class
17 certification issues, the volume of document discovery to be conducted, and the witnesses’ and
18 counsel’s availability for depositions, the Parties anticipate that they will require additional time
19 to complete discovery regarding class certification. While the Parties had previously requested
20 extensions that they believed would allow enough time, the Parties have been unable to complete
21 all of the work necessary to brief class certification at this time;

22 WHEREAS, there is good cause to continue the deadlines for class certification discovery
23 and briefing given the amount of time required to conduct all necessary discovery on class
24 certification issues. In particular, the Parties anticipate that they will need approximately 60
25 additional days to collect and exchange documents, prepare for and take depositions, confer on
26 any discovery issues, and make any necessary discovery motions;

WHEREAS, the Parties therefore request that the Court revise its Rule 16(b) and Rule 23(d) Scheduling Order Regarding Class Certification, and its Order of May 13, 2020, to allow time for the Parties to adequately conduct discovery on and brief the class certification issues;

NOW THEREFORE, in consideration of the Parties' stipulation and good cause shown, the Parties respectfully request the Court's approval of this Motion and an Order revising the Scheduling Order as follows:

Deadline to complete discovery on class certification (not to be construed as a bifurcation of discovery)	October 2, 2020
Deadline for Plaintiffs to file motion for class certification (noted on the fourth Friday after filing and service of the motion pursuant to Local Rules W.D. Wash. LCR 7(d)(3) unless the parties agree to different times for filing the response and reply memoranda)	November 3, 2020

DATED: July 20, 2020

By: s/Alexander N. Loftus

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2 DATED: July 20, 2020

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12 *Attorneys for Defendant*

13 *National Securities Corporation*

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16 **IT IS SO ORDERED.**

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18 DATED: July 21, 2020

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21 RICARDO S. MARTINEZ

22 CHIEF UNITED STATES DISTRICT JUDGE